

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

TARRETTA MANNING	*	CIVIL ACTION NO.: 17-cv-498
	*	
VERSUS	*	JUDGE
	*	
CIRCLE K STORES, INC.,	*	MAG. JUDGE
AND TRAVELERS CONSTITUTION	*	
STATE INSURANCE COMPANY	*	
	*	

NOTICE OF REMOVAL AND REQUEST FOR TRIAL BY JURY

Circle K Stores, Inc. (herein after "Circle K") and Travelers Constitution State Insurance Company (hereinafter "Travelers"), defendants in the State suit brought by Tarretta Manning, Docket No. 258,250, Division "E" in the Ninth Judicial District for the Parish of Rapides, State of Louisiana, file this Notice of Removal of this case from the Ninth Judicial District for the Parish of Rapides, State of Louisiana, in which it is now pending to the United States District Court for the Western District of Louisiana.

I.

This case was commenced in the Ninth Judicial District Court for the Parish of Rapides, State of Louisiana, on March 3, 2017 by Tarretta Manning against Circle K and Travelers, for a slip and fall accident that occurred on or about May 5, 2016.

II.

Process was served on the petitioner herein, Circle K, on March 7, 2017, as per copy of the petition, citation, and notice of service attached hereto as Exhibit "A".

III.

Plaintiff's action is one of a civil nature in which she seeks to recover from defendants damages and court costs plus legal interest for injuries allegedly received when Tarretta Manning was allegedly injured at the Circle K store in Alexandria, Louisiana.

IV.

The said civil action against the removing defendants is one in which the District Courts of the United States have original jurisdiction by virtue of the fact that Circle K Stores, Inc. is a Texas corporation with its principal place of business in the State of Arizona and with all of its members citizens of States other than Louisiana, Travelers is a foreign insurance company, and by virtue of the fact that the amount in dispute exceeds the amount of Seventy-Five Thousand and No/100 (\$75,000.00) Dollars, exclusive of interest and costs.

V.

Plaintiff is alleging that as a result of her accident at Circle K, she sustained personal injuries which required surgery, and that her damages in this matter are "in excess of \$75,000.00, exclusive of interest and costs."¹

VI.

Plaintiff is alleging that she slipped in a pool of clear liquid on the floor and fell. As a result of this fall, she has allegedly sustained "injuries to her body and mind including, without limitation, injuries to her left knee together with past and future mental anguish and physical suffering; past and future loss of wages past and future loss of enjoyment of life; past and future expenses for medical care; disfigurement; and permanent impairment." Additionally, upon information and belief the plaintiff has allegedly sustained a meniscus tear requiring surgery.

¹ See Ex. A, ¶X.

VII.

At the time of the commencement of this action, and at all times since that time, plaintiff, Tarretta Manning, was a citizen and resident of the State of Louisiana, as appears from plaintiff's petition filed in State Court. Defendant, Circle K Stores, Inc., was and still is a Texas limited liability company with its principal place of business in the State of Arizona and with all of its members citizens of States other than Louisiana. Travelers Constitution State Insurance Company is a foreign insurance company licensed to do, and doing, business in the State of Louisiana.²

VIII.

Upon the filing of this Notice of Removal, written notice thereof is being given to all adverse parties, and a copy of this notice is being filed with the Clerk of Court for the aforesaid State Court to effect the removal of the said civil action as against this removing defendant, all as provided for by law.

IX.

This cause is specifically removable to this Honorable Court pursuant to law, particularly the provision of 28 U.S.C. §1441, *et seq.*

² Prior to removal of this matter, the parties have discussed the voluntary dismissal of Travelers Constitution State Insurance Company. That pleading is forthcoming.

X.

Defendants, Circle K Stores, Inc. and Travelers Constitution State Insurance Company, reserve herein all rights to object to the jurisdiction of the State Court proceedings should this Court ultimately hold that this action was not removable or improperly removed thereto.

XI.

Defendants requests a trial by jury on all issues triable by jury.

WHEREFORE, defendants, Circle K Stores, Inc. and Travelers Constitution State Insurance Company, pray that this aforesaid civil action be removed from the Ninth Judicial District Court for the Parish of Rapides, State of Louisiana, into this Court for trial and determination as provided by law, particularly, 28 U.S.C. §1441, *et seq.*, and thereupon to proceed with said civil action as though originally commenced in this Court and for all orders and decrees as may be necessary or appropriate in such cases made and provided.

Respectfully submitted:

BLUE WILLIAMS, L.L.P.



RYAN J. ROEMERSHAUSER, #25490 T.A.

KELLY M. BRIAN, #31064

3421 N. Causeway Blvd., Ste. 900

Metairie, Louisiana 70002

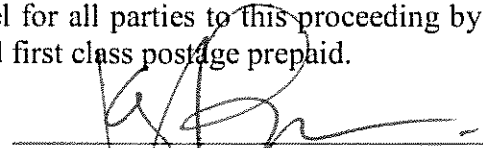
Telephone: (504) 831-4091

Facsimile: (504) 846-9746

*Attorneys for Circle K Stores, Inc. and Travelers
Constitution State Insurance Company*

CERTIFICATE OF SERVICE

I hereby certify by signature herein below that I have on this 6th day of April, 2017, served a copy of the foregoing pleading on counsel for all parties to this proceeding by mailing same by United States mail, properly addressed and first class postage prepaid.

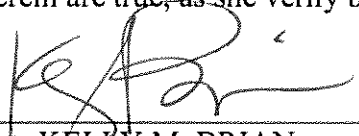

KELLY M. BRIAN

AFFIDAVIT

STATE OF LOUISIANA

PARISH OF ST. TAMMANY

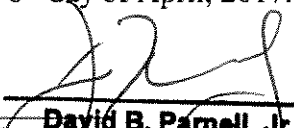
Kelly M. Brian, Bar Roll #31064, of lawful age, being sworn upon her oath, states that she is the attorney for the defendant herein, that she has prepared and read the foregoing Notice of Removal, and that the matters and things contained therein are true, as she verily believes.



KELLY M. BRIAN

SWORN TO AND SUBSCRIBED before me, this 6th day of April, 2017.

NOTARY PUBLIC



David B. Parnell, Jr., #27031
Attorney & Notary Public
My Commission is for Life

Notary Identification Number _____